

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON MICHAEL JUDD,

Petitioner,

No. CIV S-02-1083 DFL DAD P

vs.

A.K. SCRIBNER, Warden,

Respondent.

ORDER

Petitioner is a state prisoner proceeding through counsel. On August 31, 2005, petitioner filed his third amended petition for habeas corpus pursuant to 28 U.S.C. § 2254.

Since petitioner may be entitled to relief if the claimed violations of constitutional rights are proved, respondent will be directed to respond to the third amended petition.<sup>1</sup>

In accordance with the above, IT IS HEREBY ORDERED that:

1. Respondent shall file and serve a response to petitioner's third amended petition within thirty days after this order is served. See Rule 4, Fed. R. Governing § 2254

<sup>1</sup> The caption of the third amended petition indicates that Anthony Lamarque, Warden, is the respondent in this case. In his first and second amended petitions, the pro se petitioner previously substituted A.K. Scribner, Warden of California State Prison - Corcoran, for Anthony Lamarque. If A.K. Scribner is not the correct respondent, either party may request substitution of the correct respondent.

1 Cases. An answer shall be accompanied by any transcripts and other relevant documents not  
2 previously filed or lodged by respondent in this action. See Rule 5, Fed. R. Governing § 2254  
3 Cases;

4 2. If the response to petitioner's third amended petition is a motion, the motion  
5 shall be noticed and briefed in accordance with Local Rule 78-230(b), (c) and (d);

6 3. If the response to petitioner's third amended petition is an answer, petitioner's  
7 reply to the answer shall be filed and served within thirty days after the answer is served; any  
8 motion for an evidentiary hearing shall be filed and served by petitioner concurrently with his  
9 reply to the answer; and

10 4. All motions shall be noticed for hearing before the undersigned on a regularly  
11 scheduled law and motion calendar. Parties may appear at the hearing telephonically; to arrange  
12 telephonic appearance, the party shall contact Pete Buzo, the courtroom deputy of the  
13 undersigned magistrate judge, at (916) 930-4128 no later than three days prior to the hearing.

14 DATED: September 13, 2005.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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